



Atty. Docket No.: 203-654 CIP II CON III
(1583 CIP II CON III)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Bennett et al.

Examiner: Buttner, David J.

Serial No.: 10/630,945

Group Art Unit: 1712

Filed: July 30, 2003

Dated: July 29, 2005

For: **Bioabsorbable Branched polymers Containing Units Derived From
Dioxanone and Medical Surgical Devices Manufactured Therefrom**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

***Terminal Disclaimer To
Obviate A Double Patenting Rejection (37 CFR 1.321(b))***

Sir:

The owner, United States Surgical, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any of prior patent Nos. 5,578,662 and 6,207,767 as the terms of said prior patents is defined in 35 U.S.C. 154 and 173, and as the term of said prior patents is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patents, "as the term of said prior patents is presently shortened by any terminal disclaimer," in the event that any one or all of said prior patents later:

expire for failure to pay a maintenance fee;
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is found invalid by a court of competent jurisdiction;
is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
has all claims canceled by a reexamination certificate;
is reissued; or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney or agent of record.



July 29, 2005

Peter DeLuca, Esq.

Typed or printed name

Reg. No.: 32,978

631-501-5700

Telephone Number

The Commissioner is authorized to charge the Terminal Disclaimer fee under 37 C.F.R. §1.20(d) to Deposit Account No. 21-0550, without further authorization.